

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 29, 2007

D048378 Deitrick et al. v. National RV, Inc.

The judgment for the Deitricks is reversed and the trial court is directed to enter judgment for National. The order awarding the Deitricks attorney fees as prevailing parties under the Magnuson-Moss Act (15 U.S.C. § 2310(d)(2)) is also reversed. National is entitled to costs on appeal. McConnell, P.J.;
We Concur: Benke, J., Nares, J.

D051362 In re Landroche on Habeas Corpus

The petition is denied.

D050185 McKee, Inc. v. Ritzinger

The judgment is affirmed. McKee is awarded its costs of appeal. McIntyre, J.;
We Concur: McConnell, P.J., O'Rourke, J.

D051125 In re Pasillas on Habeas Corpus

The petition is denied.

D049187 People v. Saavedra

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Haller, J.;
We Concur: McConnell, P.J., O'Rourke, J.

D050379 People v. Lagrimas

The judgment is affirmed. Nares, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D049442 In re Gabriel P., a Juvenile

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., O'Rourke, J.

**D051697 Brittany P., v. Superior Court of San Diego County/San Diego County
Health and Human Services Agency.**

The attorney for petitioner Brittany P. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 30, 2007

D049659 People v. Romes

D051545 In re Romes on Habeas Corpus

(consolidated) The judgments of conviction are affirmed. The sentences in both cases are reversed. The cases are remanded with directions to allow Romes to withdraw his pleas. The petition is dismissed as moot. McIntyre, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D048564 People v. Rodriguez

The conviction for violating section 246.3 and the section 12022.7 enhancement are reversed. The two section 667.5, subdivision (b) enhancements attached to the section 246.3 offense are ordered stricken. The superior court is instructed to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Aaron, J

D047566 In re Marriage of Couvrette

Reversed in part and affirmed in part. The parties are to bear their own costs. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

D050752 People v. Garcia

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D051286 UDC Homes, Inc. v. Superior Court of San Diego County/Jeld-Wen, Inc.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 31, 2007

D049539 Tewksbury v. County of San Diego

Judgment affirmed. Appellant to bear respondent's costs on appeal. Haller, J.;
We Concur: McConnell, P.J., O'Rourke, J.

D050421 People v. Graddy

It is ordered that the opinion filed herein on October 16, 2007, be modified as follows:

1. On page 25, at the end of footnote 16, add the following as a separate paragraph: Finally, as the parties have not raised or briefed the question in their initial briefs on appeal, we take no position on whether the One Strike enhancements may be retried, or the permissible parameters of such a retrial. At a minimum, of course, the case must be remanded so that Graddy can be resentenced.

2. In the Disposition paragraph on page 25, the second sentence beginning "The case" is deleted and the following is inserted in its place:

The case is remanded for proceedings not inconsistent with this opinion.

This modification changes the judgment.

Appellant's petition for rehearing is denied.

D049150 People v. Arreola

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

D050099 People v. Trace

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Huffman, J.

D051632 Lubitz v. O'Laughlin

Pursuant to California Rules of Court, rule 8.140, the appeal filed September 17, 2007, is dismissed.

D049038 People v. Cogswell

The judgment is reversed. CERTIFIED FOR PUBLICATION

Benke, Acting P.J.; We Concur: Haller, J., Aaron, J.

D049151 People v. Humphrey

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., McIntyre, J.

D051587 In re Pratt on Habeas Corpus

The petition is denied.

D051687 In re Ho on Habeas Corpus

The petition is denied.

D051272 Lazor v. The Superior Court of Imperial County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 31, 2007 (Continued)

D051798 Hindman v. Valenzuela

The petition for writ of supersedeas is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 1, 2007

D051641 Sarita M. v. Superior Court of the County of San Diego/San Diego County Health and Human Services Agency

The attorney for petitioner Sarita M. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed. The case is DISMISSED.

D051793 April K. et al. v. Superior Court of the County of San Diego/San Diego County Health and Human Services Agency

The attorney for April K. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to April K. is dismissed.

D050762 Perkins v. Wilson

Upon written stipulation filed by the parties to the appeal, the appeal and cross-appeal are dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D051897 In re Esperanza C., a Juvenile

The matter has been read and reviewed by Associated Justices Nares, Haller and Irion. Shannon and Steve C. lack standing to appeal. The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 2, 2007

D049006 National Film Laboratories, Inc. v. California State Board of Equalization
The request for publication of the opinion is denied.

D050294 People v. Bentley
The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Aaron, J.

D051919 In re Uebbing on Habeas Corpus
The petition is denied.

D047769 People v. Jackson
The judgment of the trial court is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D047141 Freestyle Martial Arts Corporation v. Soco, LLC. et al.
The judgment is affirmed. Freestyle is entitled to costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D050778 In re Carlos M., a Juvenile
The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Irion, J.

D050398 People v. Masiel
The sentence is modified to strike the 10-year enhancement imposed under section 186.22, subdivision (b)(1)(C), and to impose the 15-year parole eligibility minimum under section 186.22, subdivision (b)(5) in its place. The trial court is directed to modify the abstract of judgment accordingly and to forward an amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

D47757 San Diego Gas & Electric Company v. City of San Diego et al.
D048866 San Diego Gas & Electric Company v. City of San Diego et al.
(Consolidated case) The judgment is affirmed. Respondents are awarded costs on appeal. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

D051501 People v. Lopez
Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D051207 Abatement Technologies Limited v. Superior Court of San Diego
County/Reyes**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 2, 2007 (Continued)

D051187 LTRT et al. v. Superior Court of San Diego County/Friedman
The petition is denied.